

### **REMARKS**

Claims 1-21, 31-40, 50, and 53-57 are pending in this application. Claims 1, 12, 31, 37, 50 and 53 are independent claims. In light of the amendments and remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 7-12, 15-21, 31-32, 37-40, 50, 53, and 55-57 under 35 U.S.C. §102(e) as being anticipated by *Hecht* (USP 6,594,406); rejected claims 4-6, 14, and 54 under 35 U.S.C. §103(a) as being unpatentable over *Hecht*; rejected claims 2 and 33 under 35 U.S.C. §103(a) as being unpatentable over *Hecht* in view of *Shiigi* (USP 6,304,898); and rejected claims 3, 13, 34-36 and rejected under 35 U.S.C. §103(a) as being unpatentable over *Hecht* in view of *Morgan* (USP 5,428,805). Applicants respectfully traverse these rejections.

### **PRELIMINARY COMMENTS**

Applicants note that the outstanding rejection of the claims based on *Hecht* presents substantially the same issues that were set forth in the first Official Action back in 2003, wherein the Examiner asserted the teachings of *Hecht* rendered the claims unpatentable under 35 U.S.C. §103(a). In May, 2004, an Interview was conducted between Examiner Shapiro, Primary Examiner Shankar and Applicants' representative. During the Interview, the parties agreed that *Hecht* failed to teach or suggest all of the claim elements, and further, failed to render the claims obvious. This is evidenced by the Interview Summary dated mailed May 20, 2004, indicating that a new search would be conducted by the Examiner, and the fact that the rejection was withdrawn and new art was cited against the claims.

Now, two years and three, non-final Official Actions later, the Examiner reverts back to his assertion that *Hecht* renders the pending claims unpatentable without any additional substantive support for his assertions. Applicants respectfully submit that the rejection of the claims based on *Hecht* has been thoroughly argued and agreed upon between the parties that *Hecht* fails to render the pending claims anticipated or non-obvious. As the Examiner has failed to present any substantive new arguments as to why he believes *Hecht* now anticipates the claims, Applicants respectfully submit that the outstanding rejection is wholly improper.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

With regard to the Examiner's rejection of the claims under 35 U.S.C. § 102(e) as being anticipated by *Hecht* (USP 6,594,406), Applicants maintain their position, previously argued on the record, that this reference fails to anticipate the pending claims. For example, with regard to claim 1, the present invention as set forth in the claim recites, *inter alia*, a global information management system comprising a position-coding pattern wherein the total set of positions coded by the position-coding pattern specifies unique positions on an area greater than the area of any practically useable base.

As previously argued and discussed with the Examiner, *Hecht* discloses in col. 4, lines 28-31, suitably, the glyphs 22 and 23 are printed by a printer (not shown) operating at 300 d.p.i.-600 d.p.i. to write 4 pixel x 4 pixel or 7 pixel x 7 pixel representations of the glyphs 22 and 23 on regularly spaced center. *Hecht* further discloses that each address code sequence is a fifteen-bit sequence (col. 13, lines 44-45). As such, the coding scheme of *Hecht* is too inefficient to anticipate claim 1, as, to the best of applicants knowledge, the largest area *Hecht* discloses may be approximately 64 feet x 64 feet, which is not greater than any practicably useable base, as required by the claim.

Based upon the above, it is respectfully submitted that *Hecht* fails to anticipate claim 1.

It is respectfully submitted that claims 2-11 and 55 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 12, 31, 37, 50, and 53 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon are allowable for the reasons set forth above with regard to claim 1.

### **CLAIM REJECTIONS – 35 U.S.C. §103(a) – HECHT**

The Examiner rejects claims 4-6, 14, and 54 under 35 U.S.C. §103(a) as being unpatentable over *Hecht*. Applicants respectfully note that this rejection was previously asserted in 2003 against claims 5-6, wherein the Applicants overcame this rejection and direct the Examiner's attention to Applicants' Reply filed March 26, 2004.

In support of his rejection of the claims, the Examiner admits that *Hecht* fails to teach or suggest all of the claim elements. However, the Examiner fails to provide any supplemental, properly combinable, references that cure the deficiencies of the teachings of *Hecht*.

In order to sustain a rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the Examiner must meet his burden to establish a *prima facie* case. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As the Examiner has failed to provide references that teach or suggest all of the claim elements, the Examiner has failed to establish *prima facie* obviousness. It is respectfully requested that the outstanding rejection be withdrawn.

### CONCLUSION

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Catherine M. Voisinnet (Reg. No. 52,327) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

By 

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